

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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TRACY YVONNE COOPER,  
as Administrator of the Estate of  
TERRY L. COOPER, JR.,

Plaintiff,

-against-

Correction Officer PATRICK M. CLANCY,  
Correction Officer STEVEN W. WOOD,  
Correction Officer KOLBY M. DUFFINA,

Defendants.  
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Case No. 9:19-cv-362 (AMN/ML)

**ORDER APPROVING SETTLEMENT**

The parties having agreed to resolve this matter based on the terms set forth in the attached Stipulation of Settlement, which includes entry of a consent judgment against Defendants for the sum of eight million nine hundred thousand dollars (\$8,900,000), to be paid by the State of New York on behalf of Defendants through a structured settlement, the details of which will be described in full in the consent judgment; and it appearing that the best interests of the Estate will be served by said agreement; and it appearing that all prerequisites of N.Y. E.P.T.L. § 5-4.6 have been met, for good cause having been shown to dispense with any particular requirement of New York State Law,

**NOW**, upon Plaintiff's motion to approve this proposed settlement and the papers filed in support of the motion, as well as all prior pleadings and proceedings had herein, and Defendants having indicated they consent to Plaintiff's motion, it is hereby:

**ORDERED**, that Plaintiff's motion seeking consent to compromise and settle the above-entitled lawsuit for the sum of eight million nine hundred thousand dollars (\$8,900,000), to be paid by the State of New York on behalf of Defendants through a structured settlement, the details of which will be described in full in the consent judgment is granted, and it is further

**ORDERED**, that Tracy Yvonne Cooper, as Administrator of the Estate of Terry L. Cooper, Jr., is hereby authorized to accept the terms of the attached Stipulation of Settlement and compromise the action herein for the sum of eight million nine hundred thousand dollars (\$8,900,000), to be paid by the State of New York on behalf of Defendants through a structured settlement, the details of which will be described in full in the consent judgment, and to sign all papers necessary to fulfill the terms of the Stipulation of Settlement, and it is further

**ORDERED**, that within 30 days of this Order, the parties shall submit for the Court's approval a Consent Judgment against Defendants for the sum of eight million nine hundred thousand dollars (\$8,900,000) to be paid by the State of New York on behalf of Defendants through a structured settlement, the details of which will be described in full in the Consent Judgment, and it is further

**ORDERED**, that the Court has determined that the legal fees and disbursements of Plaintiff's attorneys are reasonable and proper charges against the judgment proceeds, based on the work that was performed and the total amount recovered, and it is further

**ORDERED**, that out of the total judgment proceeds of eight million nine hundred thousand dollars (\$8,900,000), payment to Plaintiff's attorneys is authorized in the amount of ninety-seven thousand three hundred fifty-two dollars and thirty-five cents (\$97,352.35) for reimbursement for their litigation costs herein, and it is further

**ORDERED**, that out of the total judgment proceeds of eight million nine hundred thousand dollars (\$8,900,000), payment is authorized in the amount of two million nine hundred thirty-four thousand two hundred fifteen dollars and eighty-eight cents (\$2,934,215.88) for Plaintiff's legal fees in connection with representing Plaintiff in this matter, to be paid to fund a structured settlement, the details of which will be described in full in the Consent Judgment, to be held until such time as Plaintiff's attorneys submit to this Court proof of filing of a petition for allocation and distribution in the Onondaga County Surrogate's Court, and it is further

**ORDERED**, that the balance of the judgment proceeds in the amount five million eight hundred sixty-eight thousand four hundred thirty-one dollars and seventy-seven cents (\$5,868,431.77) shall be paid to fund a structured settlement, the details of which will be described in full in the Consent Judgment, to be held until such time as the Onondaga County Surrogate's Court has issued an order allocating and distributing the balance of the judgment proceeds and determining the amount for administrator fees and the amount to be paid into any structured settlement on behalf of the minor Estate distribute, if any; and it is further,

**ORDERED**, that pursuant to EPTL § 5-4.6(a)(3), attorneys for Plaintiff shall continue to serve as attorneys for the Estate of Terry L. Cooper, Jr. until entry of a final Decree by the Onondaga County Surrogate's Court; and it is further

**ORDERED**, that this Court shall retain jurisdiction of this matter for the purpose of enforcing the Consent Judgment as referenced herein, and for the purpose of enforcing or determining any motions concerning the enforcement or modification of this order.

Dated: February 13, 2024

SO ORDERED

  
HON. ANNE M. NARDACCI, U.S.D.J.